Secrets. H.-27—100,000—22-5-48.

Home (1948) Department.

Ms SERIES.

G.O. No.	3319
Dated	3-9-1948

[Despatch Abstract.]

PARIMENT- National Status of Indians- Description- Instructions from the Government of India- Communicated-

GOVERNMENT OF MADRAS.
Abstract.
***

PASSPORT- National status of Indians- Description- Instructions from the Government of India- Communicated.

Home Department

G.O. Ms. No. 331 — Dated 3rd September 1948
Read the following:-

From the Government of India, Ministry of External Affairs and Commonwealth Relations, No.F.23(12)-PV/(1)/48 dated the 23rd August 1948.

O r d e r :-

Communicated to the Commissioner of Police, Madras and all District Magistrates.

(By Order of His Excellency the Governor)

P.M. Nayak,
Deputy Secretary to Government

To
The Commissioner of Police, Madras.
To all District Magistrates
The Superintendent of Police, Special Branch, C.I.D Madras.

Copy of letter No.F.23 (12)-PV/(1)/48, dated 23-8-48 from the Government of India, Ministry of External Affairs and Commonwealth Relations to the Home Secretary to the Government of Madras.

Sub: Description of the national status of Indians in passports-

With reference to Rules 4,5 and 6 of the "Rules governing the issue of passports and visas", I am directed to forward herewith a Note containing instructions for describing the national status of Indians in passports. These instructions should be brought into force with immediate effect.

2-It will be observed that the terms mentioned in paragraph 1 of the Note cannot be used in respect of persons who are not "natural-born British subjects", or "British subjects by Naturalization", or who, prior to the 15th August 1947, could not have been described as "British protected persons". Persons described in accordance with paragraph 1 of the Note will, thus, remain on the same footing as "British subjects by Naturalization", in the matter of grant of passports and visas. In addition to the possession of the nationality of a "British subject" or "British protected person" or a "British subject by Naturalization", an over-riding factor is that the persons in question should also be domiciled in India, except those mentioned in paragraph 3 and 4 of the Note.

or British Protected Persons or British Subjects

3. Hyderabad is now the only State, the subjects of which are to be described in accordance with sub-paragraph (iii) of paragraph 1 of the Note.

4. Non-Muslims belonging to Pakistan, mentioned in paragraph 3 of the Note, may be described in accordance with paragraph 1 of the Note , if they fulfil the following conditions:-

(1) they satisfy the requirements of paragraph 2 of the Note, if the word "Pakistan" is substituted for the word "India" wherever it occurs in that paragraph;

(2) they make a declaration of allegiance to the Dominion of India, in accordance with instructions issued by the Government of India on the subject, vide letter from the Ministry of External Affairs and Commonwealth Relations, No.25(91)-P/47, dated the 20th August 1948.

5. The provisions of paragraph 4 of the Note are intended to cover the cases of persons of Indian stock and origin who may have settled in countries abroad and who, though domiciled in those countries, may yet desire to be reckoned as Indians. The cases of such persons will have to be considered on their individual merits in consultation with the Government of India, and they may generally be required to sign a declaration of allegiance to the Dominion of India in the same way as Non-Muslims belonging to Pakistan mentioned in paragraph 4 above.

6. Persons who are not eligible to be described in terms of paragraph 1 of the Note, or in respect of whom there is a doubt, may continue to be described in passports in accordance with Rules 4,5 and 6 of the "Rules governing the issue of passports and Visas" with the exception that the terms mentioned in Rule 6 of the Rules mentioned above, should not, in any circumstances, be used for persons belonging to Indian States. The Government of India may be consulted in cases of doubt.

N O T E

Description of the national status of Indians in passports-

With immediate effect the following terms should be used to describe the national status of Indians in passports:-

(i) (a) Indian (by birth)
(B) Indian (By naturalization)

(ii) (a) Indian (by birth, the wife or widow or former wife of an Indian);
(b) Indian (by naturalization, the wife or widow or former wife of and Indian by naturalization);
(c) Indian (by marriage, the wife or widow or former wife of an Indian or an Indian by naturalization);

(iii) India protected person (Subject of the State of.....)

2. (1) (a) The term "Indian (by birth)" should be used in respect of the following persons, namely:-

(i) Any person who is a natural-born British subject under the provisions of Section 1 of the British Nationality and Status of Aliens Act, 1914, and is domiciled in India, and , in addition, fulfils the following conditions:-

either he or his father, grand-father, or great-grand-father was born in India;

(ii) Any person, who, prior to the 15th August 1947, was eligible to be described as "British protected person" by virtue of his being the subject of an Indian state and is domiciled in India, and, in addition, fulfils the following conditions:-

either he or his father, grand-father or great-grand-father was born in India;.

Note- In this paragraph, "India" means territories comprised in the Provinces and the Acceding States of India.

(b) The term "Indian (by naturalization)" should be used in respect of the following persons, namely:-

(i) Any person who has been granted a certificate of Naturalization under the provisions of the Indian Naturalization Act 1926;

(ii) Any person who, being of Indian origin, acquired the nationality of a Foreign State, but was subsequently granted a Certificate of Naturalization under the provisions of Section 2 of the British Nationality and Status of Aliens Act, 1914;

(iii) Any person who has been granted a certificate of Naturalization under the provisions of the law of any of the Indian States which have acceded to the Dominion of India.

(2) The terms mentioned in paragraph 1 (ii) (a) (b) and (c) should be used in respect of the wives, widows, or former wives of the persons mentioned in paragraph 2 (1) (a) and (b) above as may be appropriate in each case.

(3) The terms mentioned in paragraph 1 (iii) above should be used in respect of persons who are subjects of any Indian State which has not acceded to, but has signed a Standstill Agreement with, the Dominion of India.

3. Non-Muslims, belonging to places now included in the Dominion of Pakistan, who, consequent on the partition of India into two Dominions, desire to be regarded as citizens of India, may also be described by using the terms mentioned in paragraph 1 above, subject to fulfilment by them of such conditions as may be prescribed by the Government of India:

Provided that they are either natural-born British subjects, or British s subjects by naturalization under the provisions of the British Nationality and Status of Aliens Act, 1914, or were, prior to the 15th August 1947, eligible to be described as "British protected persons", by virture of being subjects of an Indian State, or were granted certificates of Naturalization under the provisions of the Indian Naturalization Act,1926.

4. The terms mentioned in paragraph 1 above may also be used in respect of persons, other than those falling under the categories stated in paragraphs 2 and 3 above, subject to fulfilment by them of such conditions as may be prescribed by the Government of India:

Provided that they are natural-born British subjects, or British subjects by Naturalization, under the provisions of the British Nationality and Status of Aliens Act, 1914.

True Copy

Government of India.
Ministry of External Affairs and Commonwealth Relations.

EXPRESS LETTER.

No. F.23(2)- PV (I)/48. New Delhi 3, the 21st September 1948.

From ..... Foreign, New Delhi.

To .... Homeup, Lucknow.

Subject:- Description of the national status of Indians in passports.

Reference your Express Letter No.4535-PP (i)/VIII-368-48, dated the 31st August 1948.

2. Anglo-Indians born and domiciled in India will be eligible to be described in passports as "Indians (by birth)". If, however, there are Anglo-Indians, particularly those who are migrating to other countries, who do not wish to be described as "Indians", it would not be necessary to insist on using this description in respect of them. The same applies to Europeans domiciled in India.

3. The position in regard to the categories of persons mentioned in paragraph 2 of your letter is as follows:-

(1) Passport Issuing Authorities in India will not normally have occasion to deal with applications for passports from persons falling under this category, However, they will not apparently be eligible to be described as "Indians".

(2) (a) The cases of such persons will require special consideration and may be referred to the Government of India with the Provincial Government's recommendations.

(2) (b) Persons falling under this category should not be described in their passports as "Indians".

4. In such cases also Passport Issuing Authorities in India will not normally have occasion to deal with their applications. If, however, an application is received, each case will have to be considered on its own merits

5. Applicants for passports should henceforth be asked to furnish answers to the following questions, in addition to the usual declaration:-

(1) Do you claim to be an INDIAN?

(2) If born/domiciled outside India, have you made a

declaration of allegiance to the Dominion of India?

In the case of persons not claiming to be "Indians", question No. (2) above will not arise.

The issue of the above has been authorised.

Sd/ x x x
Under Secretary to the Government of India.

True Copy

Copy of Expressletter No. 4535-PP (1)/VIII-368-48 dated 31st August 1948, from Under Secretary to Government, United Provinces, to the Secretary to the Government of India, Ministry of External Affairs and Commonwealth Relations New Delhi.

Reference Ministry of External Affairs' and Commonwealth Relation(s letter No. F.23(12)-PV (I)/48, dated August 13, 1948, regarding the description of the national Status of Indians in passports. This Government may please be advised what should be the national status of Anglo-Indians etc born in India and whose father and paternal grand father were also born in India. It is possible that they may not like to be described as "INDIANS BY BIRTH".

2. This Government may also be advised what should be the National Status of Muslims of the following categories:-

1. Muslims born in Pakistan and permanently residing in Pakistan;

2. Muslims born in Pakistan and permanently residing in the Indian Union;
   (a) when they have taken the oath of allegiance th the Union of India.
   (b) when they have not taken the oath of allegiance to the Union of India.

(3) Muslims born in Indian Union and permanelty residing in Pakistan

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True Copy

Government of India,
Ministry of External Affairs and Commonwealth Relations.

New Delhi 3, the 23 September 1948.

CORRIGENDUM.

In paragraph 4 of Foreign Express Letter No. F.23 (12) PV (I)/48 dated 21st September 1948, please insert the word "not" after the word "will" in the second line.

GOVERNMENT OF MADRAS
Home Department

Endorsement No. 84296 H2/ 48-2 dated 5 th October 1948-

Passport- National States- Description of

Ref: G.O. Ms. No.3519, (Home) dated the 3rd September 1948.

In order that passport holders may have their national status described as "Indian" in their passports, if they are eligible for such description, in accordance with the note sent with G.O. Ms. No. 3519 (Home), dated the 3rd September 1948, the Government of India have stated that the applicants for passports should henceforth be asked to furnish answers to the following questins, in addition to the usual declaration:-

(1) Do you claim to be an Indian?
(2) If born/domiciled outside India, have you made a declaration of allegiance to the Dominon of India ?

2. The Commissioner of Police, Madras and all District Magistrates are requested to obtain and forward the above information when forwarding the application for passports.

P.N. Nayak
Deputy Secretary to Government

To
The Commissioner of Police, Madras.
To All District Magistrates.
To the Superintendent of Police, Madras Special Branch C.I.D.

True Copy

Superintendent
Madras Record Office.

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